IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE G. BIKSHAPATHY**

**and**
**THE HON'BLE MR JUSTICE P.S.NARAYANA**

**WRIT PETITION NO : 23931 of 2004**

Between:

S. Manjulavani, W/o B.V. Satyanarayana,
Mandal Parishad, Bheemunipatnam, Visakhapatnam District.

**..... PETITIONER**

AND

1 The Chief Executive Officer, Zilla Parishad, Visakhapatnam.
2 The Commissioner of Panchayat Raj and Rural Employment,

Himayatnagar, Hyderabad.
3 State of A.P. rep. by its Principal Secretary to Government,

Panchayat Raj and Rural Development Department,
Secretariat, A.P. Hyderabad.

4 Smt. R.M. Glads,

occ: M.P.D.O., Bheemunipatnam, Visakhapatnam District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the

nature of Writ of Certiorari calling for the records relating to the order of the Hon'ble A.P. Administrative Tribunal dt. 14-12-2004 in O.A.No. 6578 of 2004 and quash the same by declaring the same as illegal, bad, arbitrary and contrary to the rules and further declare the proceedings Rc.No. 3469/2004 A3 dated 1-12-2004 as illegal, bad, arbitrary and violative of statutory rules and further direct the respondents to continue the petitioner as Mandal Parishad Development Officer, Bheemunipatnam, Visakhapatnam and to pass such other order or orders

Counsel for the Petitioner:MR.J.R.MANOHAR RAO

Counsel for the Respondent Nos: Government Pleader for Services-II

The Court made the following :

**ORDER:** (per Hon'ble Mr.Justice G.Bikshapathy)

The Writ Petition is filed assailing the order passed by the A.P. Administrative Tribunal in O.A.No.6578/2004 dated 14-12-2004.

The petitioner challenged the proceedings in Rc.No.3469/2004/A3, dated 1-12-2004 issued by the 1st respondent posting the 4th respondent as Mandal Parishad Development Officer, Bheemunipatnam. It is the case of the petitioner that she was posted as M.P.D.O., Bheemunipatnam at her request as her husband was working at a nearby place. It is further the case of the petitioner that while working as Mandal Parishad Development Officer, Bheemunipatnam, she went on medical leave for a period of four weeks from 24-11-2004 on the ground that she was suffering from back pain. She was sanctioned the said leave and the Superintendent of Mandal Parishad was kept in full additional charge

of the post. However, as the petitioner recovered within a week's time, she submitted her joining report on 1-12-2004 cancelling the unexpired portion of the medical leave. Consequently, the 1st respondent issued the impugned proceedings dated 1-12-2004 in Rc.No.3469/2004/A3 posting the 4th respondent in the place of the petitioner. The petitioner submitted that the impugned proceedings are contrary to the statutory Rules relating to transfer of Mandal Parishad Development Officers issued in G.O.Ms.No.45, dated 5-2-2000. It is also stated that it is only in case of employees who go on leave for more than 60 days they are liable to be transferred but not the employees who avail leave for less than 60 days. It is submitted that the Tribunal did not consider this aspect and erroneously dismissed the O.A. by the order dated 14-12-2004. Hence the present Writ Petition is filed challenging the said order of the Tribunal.

The learned Counsel for the petitioner submits that the husband of the petitioner is also working as Mandal Parishad Development Officer at Chodavaram. Keeping that fact in view, the petitioner was posted at Bheemunipatnam and therefore the petitioner is entitled to be continued at Bheemunipatnam only.

We are unable to accept the contention of the learned Counsel for the petitioner. Since the petitioner initially went on leave from 24-11-2004 for a period of four weeks, alternate arrangements were made

and the 4th respondent was posted as M.P.D.O. at Bheemunipatnam where the petitioner was working before proceeding on medical leave. But however we find that the posting order to the petitioner was not given when she submitted joining report on 1-12-2004 on return from leave.

Therefore, we are inclined to dispose of the Writ Petition directing the respondents to issue posting order to the petitioner posting her at the appropriate place keeping in view the fact that her husband is also working as Mandal Parishad Development Officer at Chodavaram. This exercise shall be completed by the respondents within a period of three weeks from the date of receipt of this order. No order as to costs.

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Justice G.Bikshapathy

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Justice P.S.Narayana

Date : 30-12-2004

ASSISTANT REGISTRAR

Note :

Furnish copy in 3 days.

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To

1 The Chief Executive Officer, Zilla Parishad, Visakhapatnam.
2 The Commissioner of Panchayat Raj and Rural Employment,

Himayatnagar, Hyderabad.
3 Principal Secretary to Government,

Panchayat Raj and Rural Development Department,
Secretariat, State of A.P., Hyderabad.

4. 2 C.Cs. to Government Pleader for Services-II,

High Court of A.P.

High Court buildings,

Hyderabad.

5. 2 C.D. Copies